

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, APRIL MUÑIZ,  
MARCUS MARTIN, NATALIE ROMERO,  
CHELSEA ALVARADO, JOHN DOE, and  
THOMAS BAKER,

Plaintiffs,

v.

JASON KESSLER, et al.,

Defendants.

**Civil Action No. 3:17-cv-00072-NKM**

**JURY TRIAL DEMANDED**

**PLAINTIFFS' SUBMISSION AND PROPOSED ORDER REGARDING  
THEIR REQUEST FOR A PARTIALLY ANONYMOUS JURY**

Plaintiffs hereby submit this proposed order regarding their request for a partially anonymous jury in this case, as agreed to by Defendants and discussed with the Court on October 8, 2021.

A federal district court may empanel a semi-anonymous jury in any case in which “the interests of justice so require.” *United States v. Dinkins*, 691 F.3d 358, 372 (4th Cir. 2012) (quoting 28 U.S.C. § 1863(b)(7)). In order to empanel an anonymous jury, two conditions must be satisfied: “(1) there is strong reason to conclude that the jury needs protection from interference or harm, or that the integrity of the jury's function will be compromised absent anonymity; and (2) reasonable safeguards have been adopted to minimize the risk that the rights of the accused will be infringed.” *Dinkins*, 691 F.3d at 372. Given the subject matter of this case and the public and media attention to these issues, those conditions are clearly satisfied here.

While a completely anonymous jury involves complete anonymity, a “lesser degree of anonymity may entail disclosing to the parties the names of the venire members, but identifying

them only by number in open court.” *Id.* at 371. In light of the sensitivities of this case of which the Court is aware, Plaintiffs have proposed, and Defendants have agreed, that a partially anonymous jury is warranted to avoid the risk of interference or harm to jurors and to maintain the integrity of the jury.

Accordingly, Plaintiffs propose the following mechanisms, set forth in the attached proposed order:

1. Only the Court, the parties, and their counsel shall be informed of the names, addresses, and other personally identifying information of jurors and prospective jurors. Only the Court shall conduct questioning of prospective jurors during *voir dire*.
2. All parties and their counsel shall be ordered not to disclose the names, addresses, and other personally identifying information about jurors and prospective jurors to any other person without prior authorization of the Court.
3. Jurors and any alternates who are seated on the jury for trial shall each be assigned a number and shall only be referred to by that number throughout the trial.
4. The names, signatures, and any other personally identifying information on the juror questionnaires that are completed and returned by prospective jurors shall be redacted by Court personnel before the completed questionnaires are provided to the parties. Each questionnaire shall be assigned a number. The parties shall be separately provided information matching each questionnaire number with each prospective juror’s name.

In addition, the Court may instruct the jury or prospective jurors as necessary or appropriate in order to reduce the risk of any prejudice to any party or concern on the part of any juror or

prospective juror concerning the procedures described above. For example, the Court may instruct jurors that that their anonymous status is intended to protect them from “unwanted media attention.” *Dinkins*, 691 F.3d at 370; *see United States v. Hager*, 721 F.3d 167, 188 (4th Cir. 2013) (unwanted media contact).

### CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court enter their [Proposed] Supplemental Order Regarding Jurors.

Date: October 12, 2021

Respectfully submitted,



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### CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2021, I served the following via electronic mail:

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I hereby certify that on October 12, 2021, I also served the following via mail and electronic mail:

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A handwritten signature in black ink, appearing to read "Michael Bloch", written over a horizontal line.

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